United Nations S/2006/472

Security Council

Distr.: General
30 June 2006

Original: English

Letter dated 29 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Lithuania submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Lithuania's response to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-41960 (E) 010806

Annex

Note verbale dated 26 June 2006 from the Permanent Mission of Lithuania to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chair of the Counter-Terrorism Committee and has the honour to transmit herewith the fifth report of the Republic of Lithuania on the implementation of Security Council resolutions 1373 (2001) and 1624 (2005) (see enclosure).

Enclosure

Fifth report of the Republic of Lithuania on the implementation of United Nations Security Council resolution 1373 (2001)

Information on the implementation of United Nations Security Council resolution 1624 (2005)

1. Implementation measures

1.1 The Committee wishes to acknowledge the consistently high calibre and detail of Lithuania's reports. In its fourth report (p. 6), Lithuania indicated that the draft law on the prevention of terrorism was submitted to the National Security and Defence Committee of Parliament and was still under deliberation. The Committee would appreciate an update on the status of this draft law and of any other proposed legislation (or, if already enacted, the new laws and regulations) in order to improve the implementation and operability of Resolution 1373 (2001). In light of the urgency of the need to fully implement Resolution 1373 (2001), the Committee considers the passage of this legislation a priority.

A new working draft of the Law on the Fight against Terrorism of the Republic of Lithuania has been prepared. Discussion of this draft law has been included into the working agenda of the fourth (spring) session of the Seimas of the Republic of Lithuania.

Moreover, a new Programme of the Republic of Lithuania on the Fight against Terrorism has been approved by the Government of the Republic of Lithuania resolution of 26 October 2005, which provides for a whole complex of new measures in the following fields:

- Development of a legal basis of the fight against terrorism;
- Protection of potential terrorist targets;
- Identification of potential masterminds and perpetrators of terrorist acts;
- Identification of sources and methods of terrorist financing;
- Investigation of terrorist acts;
- Consequence management;
- Strengthening of anti-terrorist intelligence.

The previous Programme on the Fight against Terrorism approved by the Government resolution of 22 January 2002 has been implemented.

1.2 In the fourth report (p. 7), Lithuania commented on the adoption, in November 2003, of an agreement for the exchange of information and co-ordination of joint operational (intelligence) activities among the Prosecutor General's Office and the relevant entities of the Ministry of the Interior, the Ministry of Defence and the Ministry of Finance. A group headed by the Deputy Prosecutor General was established to meet every six months in order to co-ordinate these services and ensure their interoperability. The Committee

would be interested to learn how effective this co-ordinated model has been in implementing and improving the operability of Resolution 1373 (2001).

In accordance with the Agreement on the Co-operation of the Subjects of Operational Activities and the Co-ordination of Operational Activities (hereinafter – the Agreement), meetings of the subjects of operational activities are conducted regularly, exchange of information takes place continuously.

However, the effectiveness of this co-ordinative model does not satisfy its participants. Therefore, although it is used as a basis for solving the arising issues and problems at the moment, there are ongoing interdepartmental discussions in search of an optimal option that would be adequate to the present realities.

Currently institutions study the possibility of opening the National Criminal Intelligence Centre, which would be a permanent institution for collecting and analysing operational information received by all subjects of operational activities.

1.3 The Committee regards the criminalisation of terrorist acts and their financing and effective protection of the financial system from use by terrorists as areas of priority for all States in implementing Resolution 1373 (2001). From the information provided to the Committee thus far, it would appear that Lithuania has extended its domestic legislation to satisfy the reporting requirements for suspicious transactions. Moreover, in its fourth report (p. 4), Lithuania provided statistics on suspicious transaction reports received by the Financial Crime Investigation Service (FCIS) as of July 2004. The Committee would like to know whether these reports resulted in investigations and prosecutions and, if so, whether any of them were linked to terrorist financing.

In 2004, the Financial Crime Investigation Service (FCIS) of Lithuania received 72 suspicious transaction reports (STRs). Thirteen pre-trial investigations started on the basis of STRs received, and three investigations resulted in convictions. However, none of them was linked to terrorism financing.

In 2005, Lithuanian FCIS received 69 STRs. Fourteen pre-trial investigations started on the basis of STRs received, and one investigation resulted in a conviction. One pre-trial investigation is linked to terrorist financing.

Other investigations are ongoing, other cases are in court.

1.4 In its fourth report (p. 5), Lithuania indicated that financial institutions and other entities, except for lawyers and their assistants, must establish appropriate internal controls to prevent money laundering and the financing of terrorism and ensure that their employees receive the proper training in these measures. The Council of the Lithuanian Bar Association, for its part, was to approve instructions for lawyers and their assistants in order to prevent money laundering and the financing of terrorism and provide adequate training to comply with these measures. Has the Council of the Bar Association adopted and implemented these instructions and, if so, have law firms been submitting reports? Have any criminal, civil or administrative sanctions been imposed on

financial institutions, other entities or law firms for failure to comply with reporting obligations?

The Council of the Lithuanian Bar Association has informed that instructions for lawyers and their assistants in order to prevent money laundering and the financing of terrorism are still under consideration. The Association expects to approve them before autumn of this year.

The Lithuanian Financial Crime Investigation Service has informed that no sanctions have been imposed so far for failure to comply with reporting obligations.

1.5 In the fourth report (p. 6), Lithuania stated that there was no information available on provisional restrictions imposed by prosecutors during pre-trial investigations on the assets of non-profit organisations because of their links with terrorist groups or activities. This appears to indicate that the freezing of assets occurs in the context of investigating the commission of a criminal act. Does Lithuanian legislation permit the freezing of assets, regardless of whether a criminal act has been committed and without a parallel investigation, so that funds of non-profit organisations or charities may be blocked where there is evidence that they are being used to finance terrorist organisations? In the fourth report (p. 6), Lithuania stated that there was no data available concerning the freezing of assets of non-profit organisations during pre-trial investigations. The Committee would be grateful to receive clarification and examples of possible instances where such freezing of assets may have since been imposed.

Pursuant to the provisions of the Law on the Prevention of Money Laundering of the Republic of Lithuania and the Rules for the Freezing of Suspicious Transactions and Reporting to the Financial Crime Investigation Service under the Ministry of the Interior, approved by resolution of the Government of the Republic of Lithuania, suspicious transactions can be frozen for up to 48 hours without initiating a pre-trial investigation. After this period expires, a pre-trial investigation must be initiated or the frozen transactions must be allowed to resume.

The Law on the Implementation of Economic and Other International Sanctions of the Republic of Lithuania provides for the possibility of imposing restrictions on the rights of the subjects, with respect to which international sanctions are implemented, to own, use or dispose money, securities, possessions and other property, as well as other financial restrictions in accordance with the international sanctions. The period of application of these sanctions is determined with regard to the duration of sanctions indicated in the decisions of international organisations or the legal documents of the European Union.

There are no special rules that would apply to the freezing of transactions performed by non-profit (non-governmental) organisations, including the financing of terrorism. All financial sanctions against these subjects are performed following the general legal norms.

Currently, there are no ongoing pre-trial investigations with regard to the financing of terrorism that would involve a non-profit (non-governmental) organisation.

1.6 In the fourth report (p. 10), Lithuania indicated that there were no ongoing investigations with regard to the establishment, recruitment, financing and operation of terrorist organisations on its territory. The Committee would be interested to learn whether new circumstances, events or information have since caused this situation to change and, if so, whether Lithuania has initiated the appropriate investigations.

In October 2005, a pre-trial investigation was initiated in the Republic of Lithuania with regard to a criminal act provided for by Part 5 of Article 250 of the Criminal Code of the Republic of Lithuania – the financing of or the provision of material or other support to a group for performing a terrorist act. In October 2005, one of the commercial banks of Lithuania received a payment order for the transfer of a large sum of money to a natural person. While checking the payment order against the blacklist of persons, the bank found that the recipient was included in the consolidated list of persons subject to EU financial sanctions. Upon finding this information, the bank informed competent law enforcement institutions and temporarily froze the funds in the bank account. When additional information was received and the data of the natural person was specified, it was determined that, in this case, the names and surnames of persons accidentally coincided and the suspect was not a person included in the consolidated list of persons subject to EU financial sanctions. Therefore, the pre-trial investigation was terminated.

1.7 In the fourth report (p. 11), Lithuania detailed the adoption of new laws relating to the legal status of and asylum for aliens, the purpose of which was twofold: to harmonise legal provisions with the European Union's *acquis* for visas, migration and the free movement and asylum of persons and to advance State security and the prevention of terrorism. On page 12 of the report, Lithuania also reported on detention procedures for aliens related to establishing the identification of persons through photographing, fingerprinting, DNA testing and biometrics. The Committee would welcome information on the effectiveness of these new laws and procedures and would like to know whether they have helped to identify and deter persons who could pose potential terrorist risks. Has this new legislation required border personnel to undergo training in new technology to detect counterfeit, forged or false identity and travel documents?

An alien may be detained for the purposes of personal identification for 48 hours only. The court may decide to detain an alien for a longer period only in the presence of one of the bases for detention specified in Article 113 of the Law on the Legal Status of Aliens of the Republic of Lithuania. According to the Law, personal identification is not a basis for detention for a longer period than 48 hours.

A photo and the fingerprints of an alien are taken to determine his or her identity when he or she:

1. submits an application for asylum in the Republic of Lithuania. This procedure is performed on all asylum-seekers who are over 14 years old;
2. is detained for illegal entry, presence or residence in the Republic of Lithuania, as well as transit through or departure from the Republic of Lithuania;
3. is deported from the Republic of Lithuania.

Thus, photos and fingerprints of aliens are taken only when they violate the laws of the Republic of Lithuania (except for the asylum-seekers, whose fingerprints are taken in order to ensure better registration of asylum-seekers and in conformity with the EU's *acquis* requirements).

Aliens are detained in the Centre for the Registration of Aliens of the State Border Guard Service under the Ministry of the Interior, which also performs investigations related to their personal identification. It not only helps in identifying persons who have already been to Lithuania but also in effectively registering the newly arriving aliens who do not possess documents attesting their identity or who conceal their personal identity.

To date, the ascertaining of the personal identity of aliens by the Migration Department under the Ministry of the Interior has never revealed that a person is related to terrorist groups or may pose a threat as a terrorist.

The State Border Guard Service (SBGS) under the Ministry of the Interior of the Republic of Lithuania does not possess information on whether there were any persons identified among the registered refugees who might pose a terrorist threat.

In replying to the second part of the question, the SBGS informs that the performance of dactyloscopy required additional training. All officers who are working with the dactyloscopy system had a one-day training course.

The laws regulating the identification of refugees do not contain any provisions implying that officers have to undergo additional training in new technology to detect counterfeiting.

1.8 In the fourth report (pp. 12-13), Lithuania noted the adoption of new ship and port facility security legislation which entered into force in 2004 in order to implement the International Maritime Organization (IMO) International Ship and Port Security (ISPS) Code, as well as Regulation No. 725/2004 of the European Parliament and Council. The Committee would be interested in knowing whether these procedures, which have been in force for over a year, have revealed or deterred any possible terrorist activities and whether this new legislation has enhanced greater security collaboration among contiguous States.

After the adoption of new ship and port facility security legislation which entered into force in 2004 in order to implement the International Maritime Organization (IMO) International Ship and Port Security (ISPS) Code, as well as Regulation No. 725/2004 of the European Parliament and Council, not a single terrorist act or an

attempt to perpetrate a terrorist act was registered at Klaipėda State Seaport. No terrorist actions aimed at ships or port facilities were registered either.

At the request of the Ministry of Transport of the Republic of Lithuania in 2004, to assist in the fulfilment of the requirements of the Code, the United States Trade and Development Agency (USTDA), acting on behalf of the US Government, donated USD 415,000 for the assessment of the security of Klaipėda State Seaport and for submitting proposals for further improvement of the port's security.

On 7 August 2004, a Grant Agreement was signed at the Ministry of Transport of the Republic of Lithuania between the Ministry of Transport of the Republic of Lithuania and a US company – the Science Applications International Corporation (SAIC) – regarding technical assistance for the security of Klaipėda State Seaport. Under this agreement, an assessment study of the security of Klaipėda State Seaport's facilities was performed, which identified a number of shortcomings in the security of port facilities. The elimination of these shortcomings is underway; however, due to financial and organisational reasons, it has not yet been fully completed.

In implementing the provisions of the Code, Lithuania exchanged experiences and established contacts with foreign experts.

Currently, all port terminals and shipment companies at Klaipėda State Seaport have appointed and trained security inspectors, prepared and approved action plans for various danger levels.

All of this has substantially improved the safety of the seaport's facilities and the entire port and enables preparation for the international co-ordination of actions in case of a terrorist act.

1.9 In the fourth report (pp. 13-16), Lithuania provided a comprehensive explanation of its import/export regimes for firearms, ammunition and explosives. The procedures in place appear to consider and cover aspects of risk involved in licensing, registration and purchase, as well as the transit and exit of arms and explosives. Have the Lithuanian Customs, Police and State Security Departments detected and prevented real or potential illicit arms trafficking with terrorist organisations? Since the fourth report (p. 18), has a single national point of contact been designated to serve as a liaison with other States in preventing terrorists from gaining access to arms?

Since the fourth report to the UN Counter-Terrorism Committee, there have been no known cases of weapons trafficking across Lithuania for terrorist organisations. However, while investigating illegal circulation of firearms and explosive materials and devices, the State Security Department of the Republic of Lithuania, together with the General Prosecutor's Office of the Republic of Lithuania, initiated a pre-trial investigation with regard to illegal possession and sale of firearms and explosives at the beginning of 2006.

In the course of searches during the investigation, arms, ammunitions and explosives were found with the suspects. Part of the weapons could have belonged to

persons espousing ultranationalist views who may be related to previously committed crimes that may be qualified as terrorism.

The Customs Office of the Republic of Lithuania informs that it has not disclosed or prevented any illegal activity related to terrorist organisations.

1.10 The Committee notes that Lithuania has ratified 12 of the international counter-terrorism instruments and would welcome an update on the adoption of implementation legislation. The Committee further notes that Lithuania signed the International Convention for the Suppression of Acts of Nuclear Terrorism on 16 September 2005 and would information on plans for its ratification.

The Republic of Lithuania has opted for the incorporation of international treaties into domestic law. Therefore, prior to becoming a party to a particular international treaty, the government institutions of the Republic of Lithuania review domestic law and adjust it to the international obligations. Taking into account this practice, there are no obstacles for the fulfilment of the international obligations of the Republic of Lithuania arising from the 12 ratified counter-terrorism conventions.

The Republic of Lithuania signed the International Convention for the Suppression of Acts of Nuclear Terrorism on 16 September 2005. The national ratification procedure is currently underway.

2. Implementation of Resolution 1624 (2005)

Paragraph 1

2.1 What measures does Lithuania have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

In order to prohibit by law the incitement to commit terrorist acts, the Parliament of the Republic of Lithuania passed a law on 26 November 2004, whereby a new article was added to the Criminal Code of the Republic of Lithuania (*Official Gazette*, 2004, No. 171-6318). Article 250 criminalises encouragement or incitement to commit a terrorist act or other crimes related to terrorism through public statements made in speech, writing or in public information media. This article also criminalises acts that scorn victims of terrorism.

2.2 What measures does Lithuania take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

According to the Law on the Legal Status of Aliens, the identity of any non-EU citizen travelling to Lithuania is checked by the State Security Department (SSD) as to whether the person was/is involved in terrorism-related activities. If such information is confirmed, SSD informs the Migration Department of the Republic of Lithuania, and a Lithuanian visa is not granted to the person.

The same procedure is applied if the person has requested refugee status. If information on terrorism-related activities is confirmed, refugee status will not be granted and certain legal procedures will be initiated against the person (criminal prosecution, extradition, deportation, etc.).

If any person already living in Lithuania is suspected of incitement of terrorism, he or she will be prosecuted according to Criminal Law.

Paragraph 2

2.3 How does Lithuania co-operate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

The State Border Guard Service co-operates closely with the state border divisions of Estonia, Latvia and Poland and organises forgery detection courses at various levels for both the border guards and the officers of consular and migration institutions, officers from the centre issuing personal documents, as well as carriers (airlines), etc. The equipment for checking and examining documents (stereomicroscopes, video spectral comporators, etc.) is regularly upgraded.

Paragraph 3

2.4 What international efforts is Lithuania participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilisations in an effort to prevent the indiscriminate targeting of different religions and cultures?

In order to enhance dialogue and broaden understanding among civilisations in an effort to prevent the indiscriminate targeting of different religions and cultures, Lithuania takes an active part in the activities of both regional and global institutions. Lithuania is a party to many of the most important international and regional human rights mechanisms that support the promotion of tolerance. As a member of the United Nations, Lithuania provides information on the implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination and welcomes the visits of UN officials or commissions, as well as their remarks and recommendations. Lithuania welcomes the initiative of the Alliance of Civilisations, suggested by Spain and co-

sponsored by Turkey, meant to foster respect and dialogue between Islamic and Western societies.

Lithuania actively co-operates with all the regional institutions involved in human rights protection, as well as with the European Commission against Racism and Intolerance (ECRI). Experts of the commission visited Lithuania several times before the third ECRI expert report on Lithuania this February. The traditional conferences of the Organisation for Security and Co-operation in Europe are among the most important events that provide an opportunity to discuss various forms of intolerance and its manifestations, as well as to share experiences of various countries in the area of tolerance building. Lithuania has always taken an active part in both the above-mentioned conferences and in other meetings and seminars organised by the OSCE to discuss the fight against intolerance and its manifestations.

One of the first international events of Lithuania for 2001 – the year of the dialogue between civilisations announced by the UN – was an international conference "Dialogue between Civilisations" organised in Vilnius on 24-26 April of the same year and patronised by President of the Republic of Lithuania Valdas Adamkus, President of the Republic of Poland Aleksander Kwaśniewski and Director-General of UNESCO Koïchiro Matsuura. The conference participants – political leaders, scientists and artists from around the world – shared their views and the experiences accumulated by various countries in nurturing tolerance and solidarity and in developing co-operation between nations. The conference examined the topics of "Mutual learning and interrelations", "Globalisation and cultural pluralism", "Diversity of identities and shared values", "Trade, science and cultural Exchanges", "Otherness" and "The concept of civilisations in the 21st century". The Vilnius declaration was passed at the end of the conference.

With regard to the OSCE traditions, Lithuania organised an international round-table discussion "Relations between Nations: From Tolerance to Active Support – Continuing the Spirit of OSCE Conference" in April 2006. The event participants – representatives of Belarus, Ukraine, Russia and Moldova, experts from Caucasian countries, the Council of Europe, the OSCE, representatives of non-governmental organisations from neighbouring countries, the Minister of Civil Integration of Georgia, experts from the U.S.-Israeli Stephen Roth Institute for the Study of Contemporary Anti-Semitism and Racism – discussed the building of the culture of tolerance, problems related to the manifestations of hatred among nations, and the implementation of OSCE recommendations.

In 2005, Lithuania took part in an international project of cultural co-operation "Bridges of Tales", which was organised by UNESCO. Six countries (Armenia, Azerbaijan, Estonia, Georgia, Latvia, and Lithuania) participated in the project, which aimed to encourage South Caucasian countries to implement joint projects in the area of culture and to develop closer mutual and regional co-operation. In implementing the project, Armenian, Azeri and Georgian fairy tales were published in Latvian and Estonian languages, as well as Estonian, Latvian and Lithuanian fairy tales in Armenian, Azeri and Georgian languages. The publication of fairy tales sought to encourage children to take interest in the folklore of the little-known faraway cultures, to stimulate creative imagination and nurture tolerance.

Cinema, arts, and culture days are regularly organised in the capital and in other cities to present individual countries or cultures. Local governments have developed a tradition of establishing friendships with the cities of other countries, which manifests itself through festivals or events for the presentation of these cities.

2.5 What steps is Lithuania taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

In the Republic of Lithuania, terrorist acts and incitement to commit such acts are considered to be a punishable crime. Given that terrorist acts or their incitement have not actually been encountered in Lithuania, the main measures (apart from the criminalisation of these acts) that Lithuania implements in this area are related to terrorism prevention – the promotion of tolerance towards forbearance for different religions and cultures.

In order to implement the goal of the Programme of the Government of the Republic of Lithuania for 2001-2004 to integrate ethnic minorities into the Lithuanian society, the National Programme for the Integration of Ethnic Minorities into the Lithuanian Society in 2005-2010 was approved by the Government of the Republic of Lithuania by Resolution No. 703 of 8 June 2004. This programme seeks to form and implement the national policy of harmonious ethnic relations, as well as help ethnic minorities integrate into the Lithuanian society, nurture tolerance in the society and prevent ethnic hatred, discrimination and exclusion.

Paragraph 4

2.6 What is Lithuania doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of Resolution 1624 (2001) comply with all of its obligations under international law, in particular, international human rights law, refugee law, and humanitarian law?

The activities of all the institutions of the Republic of Lithuania are based on the principle of the rule of law. The legal acts prepared by state institutions must conform to the Constitution of the Republic of Lithuania and other effective laws. Part 3 of Article 138 of the Constitution of the Republic of Lithuania establishes that international treaties ratified by the Seimas of the Republic of Lithuania constitute an integral part of the legal system of Lithuania.

Furthermore, Part 2 of Article 11 of the Law on International Treaties of the Republic of Lithuania (*Official Gazette*, 1999, No. 60-1948) states that the provisions of an international treaty shall prevail if the ratified international treaty sets different norms than the laws of the Republic of Lithuania.

Lithuania has ratified or joined all the most important international instruments in the area of human rights protection, refugee rights safeguards, and humanitarian law. Therefore, in preparing legal acts, state institutions follow both the general principles (human rights protection, non-discrimination, equal opportunities) and the provisions and obligations affirmed by international treaties. The drafting of legal acts also takes into account the remarks and recommendations of international institutions in relation to the safeguarding of one or other right.